



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

NOV 05 2013

David Abell
Sierra Club Environmental Law Program
85 Second Street, 2nd Floor
San Francisco, CA 94105

Re: Freedom of Information Act Request Identification Number EPA-R9-2014-000281

Dear Mr. Abell:

This is in response to your request of October 2, 2013 in which you requested EPA's Clean Air Act information request letter sent to Arizona Electric Power Cooperative ("AEPSCO") regarding AEPSCO's Apache Generating Station located at 3525 Highway 191, Cochise, AZ 85606; and all records and responses related EPA's information request letter, including all records produced by EPA and AEPSCO. I have determined that the records in question have been claimed confidential and may contain trade secrets or commercial or financial information which is exempt from disclosure under 5 U.S.C. 552(b)(4).

Enclosed please find our information request to AEPSCO. However, pursuant to 40 C.F.R. 2.204(d)(1), the remainder of your request is being initially denied because further inquiry by EPA is required before a final determination can be made. We will consult with AEPSCO in connection with its business confidentiality claim covering these records and the Office of Regional Counsel will issue a final confidentiality determination.

You may appeal this initial denial of your request by writing to EPA, Office of Environmental Information, Records, Privacy, and FOIA Branch (2822T), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. The appeal must be made in writing, and it must be received at this address no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30-day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed (including the assigned FOIA request identification number EPA-R9-2014-000281). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal." A final confidentiality determination will be made by the Office of Regional Counsel whether or not you file an appeal, and you will be notified of the final determination.

You should refer to request identification number, EPA-R9-2014-000281, in any further correspondence concerning this matter. Please contact Allan Zabel of the Office of Regional Counsel at (415) 972-3902 if you have any questions regarding this matter.

Sincerely,



Kathleen H. Johnson
Director, Enforcement Division

Enclosure

cc: Ivry Johnson, FOIA Officer
Mark Sims, Enforcement Division (w/o enclosure)
Allan Zabel, Office of Regional Counsel (w/o enclosure)